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Dublin, OH 43017  
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toll 800.234.8701

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Date January 4, 2005  
To Office of Petitions  
Company US Patent Office  
Fax (703) 872-9306  
From Jennifer Warner for Donald Nickels  
Phone (614) 757-5491  
Fax (614) 757-8843  
Subject US Patent Appl. No. 10/016,352

Petition to Revoke Unintentionally  
Abandoned Application.  
Pages 14 (including this page)

Notes:

Your Ref.: \_\_\_\_\_

Our Ref.: EPS6097-US

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
RPS6097-US

First named inventor: Keith Tanner

Application No.: 10/016,352

Art Unit: 1722

Filed: November 2, 2001

Examiner: Joseph S. Del Sole

Title: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

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Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in  
the form of authorization in the Statement of Donald Nickey (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1700.00

- ☐ has been paid previously on \_\_\_\_\_
- ☒ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Donald O. Nicky  
Signature

Jan. 4, 2005  
Date

Donald O. Nicky  
Typed or printed name

29,092  
Registration Number, if applicable

7000 Cardinal Place  
Address

614-757-5542  
Telephone Number

Dublin, Ohio 43017  
Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Issue Fee; publication fee and petition fee

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

1/4/05  
Date

Jennifer S. Warner  
Signature

Jennifer S. Warner

Typed or printed name of person signing certificate

JAN. 4. 2005 2:41PM

CARDINAL HEALTH INC.

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NO. 427 P. 4

JAN 04 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:

Applicant: Tanner et al.

Atty. Docket No.: RPS6097-US

Serial No.: 10/016,352

Examiner: Joseph S. Del Sole

Filing Date: November 2, 2001

Art Unit: 1722


Entitled: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

Office of Petitions  
Commissioner for Patents  
MAIL STOP - PETITIONS (FEE)  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.6(d)**

Date of Deposit: 1/4/05

I hereby certify that this correspondence is being sent to the Office of Petitions, Commissioner for Patents, MAIL STOP - PETITIONS (FEE), P.O. Box 1450, Alexandria, Virginia 22313-1450 via facsimile to (703) 872-9306.

  
Jennifer Warner

**STATEMENT OF DONALD O. NICKEY IN SUPPORT OF THE PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sir:

This communication is in support of the Petition to Revive an Unintentionally Abandoned Application, submitted contemporaneously herewith. A copy of the Notice of Abandonment. Mailed September 24, 2004 is attached hereto. The reason for abandonment was allegedly Applicant's failure to timely pay the issue fee due August 17, 2004. On October 5, 2004, Applicants submitted a Petition to withdraw the Holding of Abandonment Pursuant to 37 CFR 1.181. In this Petition, Applicants indicated that the issue fee was filed via express mail on August 16, 2004, however, no express mail receipt or postcard was ever received. It is Applicants assumption that the Express Mail envelope was lost at the Post Office. When re-submitting the Issue Fee Transmittal form with the Petition, Applicants attorney mistakenly

crossed out the original date on the Form (08/16/04) and inserted the date of the Petition (10/05/04). A copy of the Issue Fee Transmittal form showing the mistakenly crossed-out dates is attached hereto. As a result, the USPTO denied Applicant's Petition in its decision dated December 7, 2004, a copy of which is attached. Therefore, Applicants submit this Petition to Revive and respectfully request that the Patent Office allow this application to proceed to grant.

Applicants also authorize and request the Commissioner to withdraw the funds associated with the Issue Fee and publication fee (\$1,700.00) and the petition fee (\$1500.00) from the undersigned's Deposit Account No. 50-0256. A duplicate of this document is enclosed.

Again, Applicants wish to reiterate that the issue fee was timely filed and that crossing out the date in the Petition to Withdraw the Holding of Abandonment, which caused the dismissal of the Petition to Withdraw by the PTO, was mistaken and unintentional.

Should the Director require additional information, he is invited to contact the undersigned.

Respectfully submitted,

Date:

Jan 4, 2005

By:

Donald O. Nickey

Donald O. Nickey, Reg. No. 29,092  
Attorney for Applicants  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, Ohio 43017  
Telephone: (614) 757-5542  
Facsimile: (614) 757-2243

JAN. 4. 2005 2:42PM

CARDINAL HEALTH INC.

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NO. 427 P. 6

JAN 04 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:

Applicant: Tanner et al.

Atty. Docket No.: RPS6097-US

Serial No.: 10/016,352

Examiner: Joseph S. Del Sole

Filing Date: November 2, 2001

Art Unit: 1722

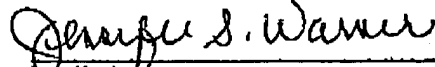
Entitled: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

Office of Petitions  
Commissioner for Patents  
MAIL STOP - PETITIONS (FEE)  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.6(d)**

Date of Deposit: 1/4/05

I hereby certify that this correspondence is being sent to the Office of Petitions, Commissioner for Patents, MAIL STOP - PETITIONS (FEE), P.O. Box 1450, Alexandria, Virginia 22313-1450 via facsimile to (703) 872-9306.

  
Jennifer Warner

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crossed out the original date on the Form (08/16/04) and inserted the date of the Petition (10/05/04). A copy of the Issue Fee Transmittal form showing the mistakenly crossed-out dates is attached hereto. As a result, the USPTO denied Applicant's Petition in its decision dated December 7, 2004, a copy of which is attached. Therefore, Applicants submit this Petition to Revive and respectfully request that the Patent Office allow this application to proceed to grant.

Applicants also authorize and request the Commissioner to withdraw the funds associated with the Issue Fee and publication fee (\$1,700.00) and the petition fee (\$1500.00) from the undersigned's Deposit Account No. 50-0256. A duplicate of this document is enclosed.

Again, Applicants wish to reiterate that the issue fee was timely filed and that crossing out the date in the Petition to Withdraw the Holding of Abandonment, which caused the dismissal of the Petition to Withdraw by the PTO, was mistaken and unintentional.

Should the Director require additional information, he is invited to contact the undersigned.

Respectfully submitted,

Date:

Jan 4, 2005

By:

Donald O. Nickey  
Donald O. Nickey, Reg. No. 29,692  
Attorney for Applicants  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, Ohio 43017  
Telephone: (614) 757-5542  
Facsimile: (614) 757-2243



APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10/016,352

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Serial No. 101010352 Filing Date: 11/2/01 Atty. Docket No.: RPS6097-US  
 Applicant: TANNER ET AL.  
 Title: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

The PTO stamp hereon acknowledges receipt of the indicated documents.

- ☐ Patent Application with:  
 \_\_\_ pages of claims  
 \_\_\_ pages of drawings - formal/informal  
 \_\_\_ Fee Transmittal form  
 \_\_\_ Utility Application Transmittal form  
☐ Inventor Declaration (includes POA)  
☐ Separate Power of Attorney  
☐ IDS with 1449  
 \_\_\_ copies of cited references enclosed  
 \_\_\_ Fee Transmittal form  
☐ Issue fee transmittal forms  
☐ Request for Extension of Time  
☒ Certificate of Mailing date of 10/5/04 via  
 \_\_\_ First class mail - postage prepaid  
☒ Express Mail No. EV404972943US

- ☒ Other: Petition to Wld  
holding of Abandonment  
- Statement of J. Warner  
- Express mail document  
☐ Response to:  
 \_\_\_ Notice to Filing Missing Parts  
 \_\_\_ Office Action  
 \_\_\_ Fee Transmittal  
 \_\_\_ Extension of Time  
☐ PCT related forms

Mail Stop - PETITIONS (NO FEE)



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 Label 11-P June 2002



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Date in Mo. Day Year		<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM		Postage \$		Delivery Attempt Time Mo. Day <input type="checkbox"/> AM <input type="checkbox"/> PM	
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FROM: (PLEASE PRINT) CARDINAL HEALTH INC 7000 CARDINAL PL DUBLIN OH 43017-1692 Attn: Jennifer Warner RPS6097-US				TO: (PLEASE PRINT) Commissioner for Patents MAIL STOP - PETITIONS (NO FEE) P.O. Box 1450 Alexandria, Virginia 22313-1450			

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail****Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

05/17/2004

Donald O. Nicky  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, OH 43017

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

<i>Donna Warner</i>	(Depositor's name)
<i>Donna Warner</i>	(Signature)
8/10/04. Oct 5, 2004	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,352	11/02/2001	Kath Tanner	RPS6097-US	3443

TITLE OF INVENTION: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	08/17/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
DEL SOLE, JOSEPH S	1722	425-224000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Donald O. Nicky  
2. Andrew G. Roznycki  
3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

R.P. Scherer Technologies, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Las Vegas, Nevada (USA)Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee  
☒ Advance Order - # of Copies 5

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-82516 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Donald O. Nicky (Date) 8/10/04. Oct 5, 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22315-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,352	11/02/2001	Keith Tanner	RPS6097-US	3443
7590	09/24/2004			
EXAMINER				
DEL SOLE, JOSEPH S				
ART UNIT		PAPER NUMBER		
1722				

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**  
**DEC 10 2004****UNITED STATES PATENT AND TRADEMARK OFFICE**

OFFICE

**COPY MAILED**

**CARDINAL HEALTH**  
**7000 CARDINAL PLACE**  
**LEGAL DEPARTMENT - INTELLECTUAL PROPERTY**  
**DUBLIN, OH 43017**

**DEC 07 2004**Director's Office  
Office of Patent Publication

In re Application of  
Keith Tanner, et al.  
Application No. 10/016,352  
Filed: November 20, 2001  
Attorney Docket No. RPS6097-US

**DECISION ON PETITION**

This is a decision on the Petition To Withdraw The Holding Of Abandonment Pursuant to 37 CFR § 1.181, received in the United States Patent and Trademark Office (USPTO) on October 5, 2004.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice Of Allowance and Fee(s) Due, mailed May 17, 2004, which set a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on September 24, 2004.

Petitioner states that the issue fee was filed via express mail on August 16, 2004. In support of this assertion petitioner has submitted herewith a copy of the Express Mail mailing label, post card, Part B - Fee(s) Transmittal, Notice of Allowability and the Examiners, Reason For Allowance. Also, a Statement In Support Of Petition To Withdraw Holding Of Abandonment — Declaration of Jennifer Warner—was received.

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- MPEP 503 (postcard receipt as prima facie evidence)
- Certificate of Mailing under 37 CFR 1.8(b)
- "Express Mail" Mailing under 37 CFR 1.10

Application No. 10/016,352

Page 2

MPEP 503 Return Postcard is not applicable since there's no evidence that the postcard was returned with the "Office Date" stamp receipt thereon. See MPEP 505

Provisions under 37 CFR 1.8(b) requires that petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supply copies of the previously mailed correspondence with certificate of mailing thereon, and (3) include a statement which attests to the previous timely mailing.

Petitioner doesn't fully satisfy requirement (2) in that, the date indicated on the Certificate of Mailing of October 5, 2004, is after the date due for the paying the required fee(s). The applicant crossed out the date of August 16, 2004.

With respect to the submission under 37 CFR 1.10 Express Mail requires that the petitioner (1) promptly file the petition after becoming aware that the Office has no evidence of receipt of the correspondence, (2) the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s), (3) includes a copy of the originally deposited papers(s) or fee(s) showing the number of the "Express Mail" mailing label thereon, copy of the returned postcard receipt, copy of the "Express Mail" mailing label showing the "date in" and (3) includes a statement from the person who actually did the mailing.

Petitioner doesn't satisfy requirement (2) in that, the copy of the correspondence—Part B – Fee(s) Transmittal—doesn't include the number of the "Express Mail" mailing label, and the copy of the "Express Mail" mailing label doesn't show the "date-in".

The petitioner should consider petitioning as follows:

File a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). The new rule change appears in 62 Federal Regulations, October 10, 1997 or 1203 of the Official Gazette 63, October 21, 1997, 65 FR 57057, Sept. 20, 2000, 68 FR 14332, Mar. 25, 2003, 69 FR 56481, Sept. 21, 2004.

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidably* abandoned application must be accompanied by the following:

- (1) The required reply to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee set forth in § 1.17(l);
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable:  
and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d) required pursuant to paragraph (c) of this section.

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- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application must be accompanied by the following:

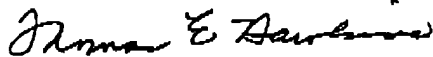
- (1) The required reply to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d) required pursuant to paragraph (c) of this section.

Further correspondence with respect to the petition for revival under 37 CFR 1.137 should be directed to the Office Of Petition at 703-305-9282 or addressed as follows:

By mail:

Mail Stop Petitions  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Telephone inquires concerning this matter may be directed to the Office of Petitions at 703-305-9282.



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